

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FATEH FADL SALEH,

Plaintiff,

Case No. 14-13428

v.

HONORABLE AVERN COHN

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 16)**  
**AND**  
**GRANTING DEFENDANT'S MOTION TO DISMISS (Doc. 14)**  
**AND DISMISSING CASE**

I.

This is a social security case. On September 4, 2014, plaintiff, who is proceeding pro se, filed this action seeking judicial review of an unfavorable decision regarding his disability benefits. The matter was referred to a magistrate judge for all pretrial proceedings. The Commissioner filed a motion for summary judgment. (Doc. 26). Plaintiff did not file a motion for summary judgment as directed nor did he respond to an order to show cause as to why the case should not be dismissed. The Commissioner filed a motion to dismiss for failure to prosecute. (Doc. 14). The magistrate judge issued a report and recommendation (MJRR), recommending that the motion be granted and the case be dismissed with prejudice for failure to prosecute. (Doc. 16).

II.

Neither party has filed objections to the MJRR and the time for filing objections has passed. The failure to file objections to the report and recommendation waives any further right to appeal. Smith v. Detroit Federation of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir.1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motions. Thomas v. Arn, 474 U.S. 140, 149 (1985).

However, the Court has reviewed the MJRR and agrees with the magistrate judge. Accordingly, the findings and conclusions of the magistrate judge are ADOPTED as the findings and conclusions of the Court. The Commissioner's motion to dismiss is GRANTED. This case is DISMISSED WITH PREJUDICE.

SO ORDERED.

S/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: March 12, 2015

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, March 12, 2015, by electronic and/or ordinary mail.

S/S. Chami  
Case Manager, (313) 234-5160